

Mr. THOMAS. The idea that we in the minority ought to be involved is something we learned from you when you were in the minority. So it is not a brand new idea. When the majority brings bills forward, they need to work with everyone here so we can pass something.

I am just surprised at what the Senator said, that this is a brand new idea.

Mr. REID. I do not recall, I say to my friend from Wyoming, talking about a brand new idea. I was in the minority for a number of years in my present position and worked very closely with Senator LOTT in moving legislation. I worked very hard in moving legislation, and we did not hold up legislation based on judges. We did not do that. We felt we were treated unfairly. I think the last administration certainly did not get the judges who were in the pipeline who should have been confirmed. But we said early on this is not payback time; we are going to move them as quickly as we can, and we have. We have moved out scores of nominations that President Bush felt he needed. We moved scores.

Somebody on the side of the Senator from Wyoming—I do not know who it is; even if I did, I would not announce it here—believes we are not moving enough judges through.

I say to my friend from Wyoming, we did not do that. We did not hold up legislation based upon judges. On a comparative basis, we had a right to do so, but I felt, and Senator DASCHLE felt as minority leader, that we had an obligation to move legislation.

We worked extremely hard to move appropriations bills. We worked extremely hard to move legislation that the majority then felt was important. We had very little downtime as a result of objections from our side. We made sure there were not even long periods of time when there were quorum calls.

I say to my friend, I did not use the term it was a new idea. I am just saying what is happening is unfair. We have been trying to move to this legislation dealing with airport security for more than a week, and we are a long ways from being able to do it now if colleagues make us jump through all the hoops.

Mr. THOMAS. I understand that. I agree with the Senator that we need to move forward. Another point. When there are bills with a special purpose, such as airport security, and provisions are added that have nothing to do with it, when you are in the minority, you have to have some opportunity to participate in the decision. I say to the Senator from Nevada that it is the leadership's role to find some compromise so we can move forward. I know the Senator has done that, and I admire what the Senator is doing.

Mr. REID. I say to my friend, I appreciate his presence in the Chamber and attempting to work with us. On airport

security, there are three problems that can be resolved in a matter of a few hours: No. 1, there are some who believe not only is airport security important but also that there be security on our passenger trains.

There are also those who believe we should protect workers who have been displaced as a result of these terrible acts on September 11. We should be able to work our way through that. We should bring these issues up, vote, and go to something else.

I say to my friend from Wyoming, I had a number of meetings yesterday with Senator LOTT in the presence, of course, of Senator DASCHLE, and he is attempting to help us work through some of this. I appreciate that very much.

Maybe today we can do something on terrorism. It would be helpful if we could get that out of the way. There are things about which I feel strongly. I had a Republican in the House today tell me: Did I hear you right when you said you think the things we do in this bill should not be sunsetted?

I said: You heard me right. If it is good now, it will be good later.

They asked me if I believed, for example, if there should be roving wiretaps on terrorists. I said to a friend, a Member of the House from Connecticut: Yes, I do. There are some basic items in this antiterrorism legislation we need to do, I say to my friend from Wyoming. I hope we can work that out before the day is through.

Mr. THOMAS. I hope so as well. One other observation: We have these items now that are of such high priority that have to do with security, and I think we need to be very watchful that we do not find ourselves using security as a vehicle for doing some things that have very little attachment to security.

I thank the Senator for his response.

Mr. REID. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent I be allowed to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ENERGY POLICY

Mr. CRAIG. Mr. President, I speak not only as part of the Republican leadership in the Senate but as a member of the Energy Committee, a committee on which I have served for the 11 years I have been in the Senate. Dur-

ing those 11 years, I have had the opportunity to serve under three Presidents. For 8 of those years, I served under a Democrat President. During that time, he, I, his administration, and certainly all Members, attempted to shape a national energy policy for our country that never really got accomplished. During that time, we continued to grow very rapidly as a nation. We continued to consume up to a 2½ to 3 percent increase in energy each year, although our country was only producing a 1½ percent increase of total need.

Of course, we know what happened as a result of that timeframe over the last 8½ years: We grew increasingly dependent upon foreign sources of energy for our existence, at least in oil. Our infrastructure grew older, our transmission lines and pipelines; our ability to generate electrical energy did not increase very rapidly. But workers found the demand of the new high-tech economy even required greater abundances of electricity and energy than we originally suspected.

It is why it became an issue in the last presidential campaign and it is why this President, George Bush, immediately developed a national energy task force to begin to work on a national energy policy. They completed their work and sent their information to the Hill.

While that has been going on, the Energy Committee, now chaired by Senator BINGAMAN, once chaired by Senator FRANK MURKOWSKI of Alaska, has been working on a national energy policy. We have spent the last 3½ to 4 years in hearings, looking at all sides of this issue. We clearly have a vision as to what we need and what we need to do. It is really not very difficult, although it is politically contentious. We need to produce more energy, in electricity and in gas and oil. We need to put more research behind new technologies and continue to advance the technologies for electronic cars and alternative forms of electrical generation—wind and solar. We have invested millions of dollars in those alternatives over the last couple of years. We need to continue.

At the same time, there is no question for the next 15 to 20 years we will be increasingly dependent upon foreign sources for oil—predominantly oil—ultimately the greatest form of energy that moves the American economy, whether it is the cars we drive, the trucks that deliver the goods and services to our communities, the trains that run upon our tracks, the airplanes that fly across our skies, or our ships at sea, our aircraft carriers and the planes that are now flying day and night over Afghanistan. All of those are driven by oil, by energy. When we started this debate a decade or more ago, we were around 50 percent dependent upon foreign sources of that energy. Today we are at times over 60

percent dependent. We understand the issue. We clearly understand the urgency.

We awakened to that energy problem last year when the lights went out in California. We all said: My goodness, why is that happening? What happened that caused all of this—for elevators to stop operating and traffic lights to stop operating, for the economy of California to nearly go in the tank as a result of not having the energy base they needed to feed their growth and demand? We knew they had launched a policy some time back that was not allowing them to produce. While it was a wake-up call for California, it truly was a wake-up call for our Nation.

As a result of that, this Senator's effort, the committee's effort, and the President's effort, the House moved an energy bill and was able to pass a fairly comprehensive new policy toward production and infrastructure development and the kind of refinement that a new, dynamic energy policy for our country needs. They did their work. They got that work done before the August recess.

We were working, and with credit to Chairman BINGAMAN, although we had the transfer of leadership in the Senate, he continued to work. He was looking at a much broader bill to deal with the issue of energy than the House produced. We were working with him in a very bipartisan manner. Sure, there were differences of opinion. Yes, there are several issues on which we clearly disagree. But in the general sense, we were moving toward a national energy policy.

Along comes September 11. We all know that day now; It is seared into our minds, our world stopped for a time and thousands of Americans lost their lives. We began to rethink who we were and what we were all about as a country. Up until that time Americans, if they were polled, said that, yes, a national energy policy was necessary because it meant the strength of our economy and the growth of our economy and it meant that future generations would have an opportunity to have a supply of energy. But about third or fourth on that list of reasons for a national energy policy was national security. It did not register but third on some polls, or fourth.

September 11—the world changes; the American mindset changes. All of a sudden, by nearly a 60 percentile polling factor, energy and energy policy and energy supply for our country—reliable, abundant, stable—became the No. 1 issue. National security, national security, national security.

Why, then, do I read in a press release from Chairman BINGAMAN yesterday that the majority leader of the Senate has directed the chairman of the Energy and Natural Resources Committee to suspend any further markup on energy legislation for this session of Congress?

What? A No. 1 national energy policy, being now a No. 1 national security policy in our country, and the leader of the Senate is saying stop, don't go forward? The House has done its work, but the Senate cannot do its work?

He says he wants to write his own bill. OK. I have been involved with this issue for a long time. I know why he wants to write his own bill. I understand the politics of the issue. I understand the other side lost a component of the battle on September 11. Actually, they had lost it much before then. They lost it when the House voted to include oil exploration in the Alaskan Arctic National Wildlife Refuge in August. They were not willing to admit it at that time. They thought they still had the votes, but the House had already made that decision because America was sensing a need for a broader national energy policy.

But on September 11 that issue was gone. When it says down here that Senator BINGAMAN went on to say, "the Senate leadership sincerely wants to avoid quarrelsome, divisive votes in the committee," what the chairman is saying is he can't control his own people anymore in the committee because September 11 convinced them that we have to have a national energy policy because national security and energy is paramount.

So he went to his leader and said: Leader DASCHLE, I can't give you the energy bill that I thought I could. I have lost the votes on a couple of key issues and you won't like what comes to the floor.

Some on the other side are saying if you bring that kind of a bill to the floor, we will filibuster, we won't let it pass, and we don't want to see that kind of partisanship on the floor post-September 11. So they are stopping any effort to develop a national energy policy and to allow the Senate to address the issue.

I come to the Chamber today because this is not only a distressing press release from the chairman of the Energy Committee, I am amazed the majority leader has pulled that authority away from the authorizing committee chairman who has, over the last good number of years, truly become an expert in the energy issue. He and I do not always agree, but we think it is the responsibility of that committee to produce a bill, not for the majority leader to go into his back office and write a bill that is politically correct for his side of the aisle.

Is that—will that be—could that be a comprehensive national energy policy? I don't think so. But let's say it could be.

I ask unanimous consent for no more than 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRAIG. I am going to give the majority leader the benefit of the

doubt at this moment—because I should. I am going to say to the majority leader at this moment: OK, if that is your decision—and I understand the timing here; I understand we are in the last month to a month and a half of this session of Congress and that national energy policy is truly a national security issue and all Americans now believe that. All the polls show that. It is something the House has dealt with and we should deal with. So I say to Leader TOM DASCHLE at this moment: If you are going to craft an energy bill in your office and bring it to the floor as the prerogative of leadership, get on with it. Do it now. Don't tell us you are going to do it and then wait 3 or 4 or 5 weeks, knowing that it cannot get done and it cannot get conferenced with the House. That way you have given your people a vote, but you have not faced the issue and you have not put a bill on the President's desk. That is not leadership. That is politics.

The majority leader and the chairman of the full committee say they want to avoid quarrelsome, divisive votes. They don't want to allow partisan politics to come to the floor.

I suggest if he crafts a bill and brings it to the floor, he avoids that. But if this is a ploy, if this is simply rhetoric to get the bug off their back—because it is now squarely on the majority's back; they have canceled the committee from acting; the majority leader has said: I'll do it. So if we do not have a national energy policy for the energy security and the national security of this country by the close of business of this first session of this Congress, then it is TOM DASCHLE's fault.

I believe that is quite clear. I think that is plain and I think that is simple and I think he has said it just that way when he has said that he will craft a bill and bring it to the floor under the leadership prerogative. Comprehensive, balanced energy legislation can be added by the majority leader to the Senate calendar for potential action prior to adjournment: so speaketh the leader of the U.S. Senate.

Mr. President, I am going to support my leader. But I am going to insist, as all other colleagues will, or at least many will, that he act and that he act in a timely fashion so it can be conferenced with the House and put on the President's desk. It is an issue of national security. It is every bit as critical as an airport security bill—and the ranking member of the Commerce Committee is on the floor now trying to get that bill up. It is every bit as important as an antiterrorist bill.

If we get into a greater warlike problem in the Middle East and our flow of oil is cut off from the Arab nations, from Iraq—believe it or not—from Iran, from which we are now getting oil, and if we do not have a national energy policy that begins to move us toward a

higher degree of national energy independence, then shame on us but, more important, shame on the majority leader of the Senate, who has chosen to take away from the authorizing committee the authority to craft a bill and bring it to the floor, if the majority leader himself does not honor the commitment he has now made to us, that he will divine—define and maybe divine—a balanced energy policy and bring it to the floor for a vote. That is an obligation that the Senate of the United States should deal with before we adjourn or before we recess this first session of this Congress.

I recognize the importance of this issue, as do many of our colleagues. I am phenomenally disappointed in the form of leadership that says we cannot let our committees work in this instance because this is not something new, as I said. We have been at the business of trying to write a bill for 3½ years. We have held 25 or 30 hearings on it. It is not a new issue, but it is a timely, critical issue to our country. I hope the statements of the majority leader represent the clear intention of bringing the bill to the floor within the next several weeks, that we can deal with it and move it off to conference and have a national energy policy on our President's desk by close of business.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, can you tell me the parliamentary situation as it exists presently?

The PRESIDING OFFICER. The Senate is on the motion to proceed to S. 1447, under cloture.

Mr. MCCAIN. How much time remains on the 30 hours of postcloture debate of which there has been none that I have seen?

The PRESIDING OFFICER. Time will expire at 4:57 this afternoon.

Mr. MCCAIN. If there is no one on the floor to engage in postcloture debate?

The PRESIDING OFFICER. The Chair will put the question on the motion.

AVIATION SECURITY

Mr. MCCAIN. Mr. President, we are now engaged in so-called postcloture debate of 30 hours. I have not paid total attention to what is going on on the floor of the Senate, but clearly there has been no debate on postcloture on the Aviation Security Act. This is rapidly turning into a farce. We need to act. We need to act on aviation security. If there are differences of opinion, such as those held by the Senator from Idaho about federalization, let's have debates and votes.

If there is consideration of non-germane amendments, then let's have those debated and voted on as well. The chairman of the committee, Senator

HOLLINGS, and I have agreed to oppose all nongermane amendments. But for us to sit here for 30 hours in so-called postcloture debate—yesterday there was a near tragedy because of a deranged individual who broke into a cockpit of an airplane nearly causing another catastrophe. Part of this legislation, S. 1477, requires the Department of Transportation to take steps to strengthen cockpit doors.

There is another case in my own home State where some individual obviously smuggled in a weapon which caused the shutdown of the Phoenix airport for some 10 hours. The list goes on.

I don't agree with the statement that was made by the administration that there was a 100 percent chance of retaliation because of our military actions in Afghanistan. I don't agree with that statement, although I will admit that I don't have the knowledge of the members of the administration who made that statement. But here we are now going into our second week without addressing the issue of aviation security.

No, I don't agree with the Senator from Idaho that an energy bill is of the same emergency as the Aviation Security Act right now. No rational observer that I know of would agree with that statement. The fact is we need to act. We don't have to wait until 4:57 this afternoon. We should be debating, amending, and passing this legislation before we go out of session this weekend. I am embarrassed that both sides of the aisle for reasons less than national security are not agreeing to take up and pass this legislation.

I don't think the American people, who have been very pleased with our performance up until now, are very pleased. In fact, they are very displeased with our failure to take up this legislation in a normal parliamentary fashion—debate, vote, and give the American people what they don't have today; that is, the sense that a lot of Americans don't have today, that they can get on an airliner with comparative safety and security.

I urge my colleagues to stop what we have been doing for the last 2 weeks, get on with moving this legislation, and perform our duties for the American people, for the men and women right now who are in harm's way performing their duties for the American people. It seems to me it wouldn't be a great deal to ask us to move on this legislation.

Mr. REID. Mr. President, will the Senator yield?

Mr. MCCAIN. I am happy to yield to the distinguished majority whip.

Mr. REID. Mr. President, every time I hear the Senator from Arizona speaking, I think of pilots taking off from aircraft carriers and taking off from military bases around the country and, as we know, special forces—I believe I know—certainly nothing confidential

has been told to me; I figured it out on my own. We have special operations people there doing all kinds of things. It is extremely dangerous. There is no one in the Senate who has more personal information about war than the Senator from Arizona. I personally appreciate, speaking for the people of the State of Nevada, his passion for this legislation.

There is no perfect legislation. The legislation before us is imperfect. The Senator from Arizona and Senator HOLLINGS worked and came up with what they thought could pass this Senate.

Will the Senator agree that this legislation—no matter how anyone feels about it—should at least be able to get consideration?

There was a motion to invoke cloture which was filed 1 week ago. As I said earlier today, we may disagree with this legislation, but let's get it here and get it completed. The people of Nevada and the people of the rest of this country want this passed.

I say this to my friend from Arizona. There are important things we should do, but shouldn't airport security be one of them?

Mr. MCCAIN. I think so. It is obvious. I understand the day before yesterday on Wall Street there was a meeting between the Speaker of the House, the Democrat leader in the House, 20 business and economic and labor leaders, and Alan Greenspan. Their message was, pass the aviation security bill so confidence will be restored on the part of the American people so we can have an economic recovery. On other side of the Capitol, they refuse to take up the issue. On this side of the Capitol, for nearly 2 weeks we have failed to have one moment of debate on this issue, and no amendment has been proposed. I just find that, frankly, incomprehensible.

I am not really renowned for my patience, but I believe I have shown a lot of patience. I believe that Senator HOLLINGS, the distinguished chairman of the committee, has also gone through these machinations trying to work out agreements. I must have had 100 meetings on this issue. We had the idea of taking up the antiterrorism bill first and then moving to this legislation. We thought everybody had an agreement. Then there was one Member on the other side who insisted on amendments. We thought we could get it up with perhaps an agreement that all Members would vote against non-germane amendments. That doesn't seem to have worked.

I have literally exhausted almost every option. Our meetings with the White House have been fruitless. I have not been around here—in fact, the Senator from Nevada and I have been around here the same number of years. I have never had the White House cancel two meetings in 1 day with the